



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/050,129 Confirmation No.: 3794
Applicant : Michael J. GRAZIANO, et al.
Filed : January 18, 2002
Title : METHOD AND SYSTEM FOR DETERMINING DATA RATE
USING SUB-BAND CAPACITY
TC/Art Unit : 2642
Examiner: : To be determined

Docket No. : 56162.000337
Customer No. : 21967

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, and in compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, applicants submit attached Form PTO-SB/08A (modified) for consideration and request the references cited therein be made of record by the U.S. Patent and Trademark Office in the above-captioned application.

The attached documents were cited by the European Patent Office in the International Search Report (ISR) dated March 26, 2003, in PCT Application PCT/US02/24401 corresponding to U.S. Application Serial No. 10/050,529 and claiming priority to the present application among others. A copy of the ISR is enclosed.

Applicants respectfully point out that the submission of the listed references in this Information Disclosure Statement is not an admission that they are prior art or that they are material to patentability of any claims of the application. Also, the submission of this Information Disclosure Statement is not an indication that a search has been made by Applicants.

For the convenience of the Examiner in considering the cited references, a copy of each of the non-patent literature references is enclosed with this communication. In considering the cited references, it may be noted by the Examiner that certain of the references may contain

markings, underlinings, and/or other notations. These markings, underlinings, and/or other notations are not to be construed as drawing the Examiner's attention either to selected parts or away from other parts of the cited references. Any such markings were either present on the copies of the cited references obtained by the associated individuals, or were made thereon during the study of the references by the associated individuals.

Consideration of the foregoing plus the prompt return of a copy of the enclosed Form SB/08A with the Examiner's initials in the left column in accordance with MPEP 609 are respectfully requested.

In accordance with 37 C.F.R. § 1.97(b), this Information Disclosure Statement is believed to be submitted prior to issuance of a first Office Action. Therefore, it is respectfully submitted that no fee is required for consideration of this information. However, in the event any fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-0206.

In the event any variance exists between the amount enclosed and the Patent Office charges, please charge or credit any difference to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

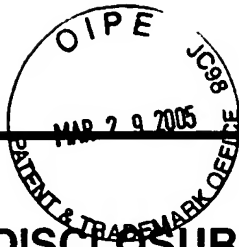
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Dated: March 29, 2005

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

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Filing Date	January 18, 2002
First Named Inventor	Michael J. GRAZIANO, et al.
Art Unit	2642
Examiner Name	To be determined
Attorney Docket Number	56162.000337

Sheet 1 of 1

U.S. PATENT DOCUMENTS

*Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 6,061,427 A	05-09-2000	Ryoo	

FOREIGN PATENT DOCUMENTS

*Examiner Initial	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO
		WO	01 43415 A	06-14-2000	Sarsoza et al.		<input type="checkbox"/>	<input type="checkbox"/>

OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS

*Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION	
			YES	NO
		Sistanizadeh, K. et al.; "Multi-tone transmission for asymmetric digital subscriber lines (ADSL)" <i>Proceedings of the International Conference on Communications (ICC)</i> , Geneva; vol. 3, May 26, 1993, pages 756-760 (XP010137079).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Friese, M. et al.; "Power back-off strategies for very high bit rate digital subscriber line transmission systems" <i>IEEE Global Telecommunications Conference, Globecom 99</i> , Rio De Janeiro, Brazil; vol. 2, December 5-9, 1999, pages 1150-1154 (XP001016895)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Jacobsen, K. S.; "Text proposal for upstream power back-off" <i>ETSI TM6 Meeting (TD15)</i> , Amsterdam, The Netherlands, November 29, 1999 to December 3, 1999 pages 1-6. (XP002224208)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Leke, A. et al.; "Channel loading effects on power limited wireless transmitters utilizing discrete multi-tone modulation" <i>Microwave Symposium Digest, IEEE MTT-S International</i> Denver, CO USA, June 8-13, 1997; pages 1147-1150 (XP010228246)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXAMINER SIGNATURE

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.